

**Notice of Allowability**

Application No.

10/624,650

Examiner

Louis K. Huynh

Applicant(s)

RICCI ET AL.

Art Unit

3721

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 04/03/2006.
2. ☒ The allowed claim(s) is/are 1-17 and 21-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7/23/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. John Preta (Reg. No. 43,017) on 06/05/2006.

3. The application has been amended as follows:

***In Claim 1:***

"such that" (line 9) has been changed to: --against a portion of the wrapping mechanism until--;

the phrase --and releases said one of the plurality of packaged sequenced product-- has been inserted between "products" and "into" on line 10.

***In Claim 11:***

"individual package" (line 4) has been changed to: --sequenced product in wrap to form individual packages--.

***In Claim 13:***

"further comprising" (line 1) has been changed to: --wherein the means for dropping includes--.

***In Claim 16:***

"further comprising" (line 3) has been changed to: --the dropping means further includes--.

***In Claim 26:***

“forms bags or packages of sequenced products using wrap and which seals each of the bags or the packages” (lines 2-3) has been changed to: --that wraps and seals wrap around sequenced products to form bags or packages of sequenced products--.

“packaging device” (line 5) has been changed to: --wrapping mechanism--;

“packaging device and the conveying system” (line 8) has been changed to: --wrapping mechanism and the conveying system such that said at least one of the clamping device, the cutting device and the serrating device holds one of the bags or packages of sequenced products against a portion of the wrapping mechanism and releases the one of the bags or packages of sequenced products into the drop off tray as the drop off tray moves incrementally--.

***Interview Summary***

4. The examiner suggested, and agreed to by applicant's attorney, to amend the claims to include the functional relationship between the wrapping mechanism and the clamping device in order to define the claimed invention over the prior art of record and to place the present application in condition for allowance.

***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance:

- Claims 1 and 26 are patentable because the prior art of record fails to disclose and/or teach an apparatus comprising a wrapping mechanism and a clamping device wherein the holds one of a plurality of packaged sequenced products against a portion of the wrapping mechanism until a drop off tray is in position to

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stack multiple packaged sequenced products of the plurality of packaged sequenced products and releases the one of the plurality of sequenced products into the drop off tray as the drop off tray is moved, incrementally.

- Claim 11 is patentable because the prior art of record fails to disclose and/or teach an apparatus for packaging and stacking product comprising, among others, means for dropping individual packages into a vertical stacked position in a take away container or any equivalent thereof; which includes, under 35 USC 112, 6<sup>th</sup> paragraph, a clamping device, a serrating device and a cutting device that acts against a portion of the means for packaging individual packages of sequenced product to hold, serrate and/or cut the individual packages of sequenced product.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Drawings***

7. The drawings were received on 04/03/2006. These drawings are approved.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Louis K. Huynh  
Primary Examiner  
Art Unit 3721

June 5, 2006

Application No. 10/524,650  
Applicant: R. RICCI, et al  
THE DELIVERY POINT PACKAGER TAKEAWAY SYSTEM  
THE AND METHOD  
Responsive to Official Communication dated: January 6, 2006  
REPLACEMENT SHEET

